

Remarks

Following the above amendments, claims 1, 2, 5-20, 23, and 26-31 are pending in this application. Each of claims 1, 2, 5-20, 23, and 26-31 have been rejected as being obvious under 35 U.S.C. § 103(a) over the combination of U.S. Patent No. 6,438,594 to Bowman-Amuah and U.S. Patent Application Publication No. 20010049719 to Freeman et al.

A. The Claims are Not Disclosed by the Combination of Bowman-Amuah and Freeman

Even if Bowman-Amuah and Freeman could be combined for the sake of the obviousness rejection asserted by the examiner, the combination of Bowman-Amuah and Freeman does not disclose or suggest each element of the rejected claims. Applicants respectfully submit that a prima facie case of obviousness has not been established and that a rejection of the pending claims on obviousness grounds is improper. A prima facie case of obviousness requires a showing that all of the claim limitations of the rejected claims are taught or suggested by the prior art. Manual of Patent Examining Procedure 2143 and 2143.03. The establishment of a prima facie case of obviousness requires that *all* the claim limitations be taught or suggested by the prior art. MPEP 2143.01 (emphasis added). "All words of a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (CCPA 1970).

Here, all of the elements of the independent claims are not shown in the combination of Bowman-Amuah and Freeman. In particular, neither Bowman-Amuah nor Freeman discloses the ability of the repository subsystem to queue write statements issued by the source subsystem for later delivery to the target subsystem. This element is present in claim 1 as a result of the incorporation of the elements of claim 4 into claim 1. In addition, this element is present in independent claim 14 as a result of the incorporation of the elements of claim 25 into

claim 23. As a result of these amendments, the claim element concerning the queuing of write statements in the repository subsystem is present in each claim of the pending application.

The examiner identifies Bowman-Amuah as providing the disclosure for the claim element concerning the queuing of write statements in the repository subsystem. The examiner points to the portion of Bowman-Amuah at column 54, lines 3-45 and column 73, lines 15-35. The first passage — column 54, lines 3-45 — says nothing at all about queuing write statements at a repository subsystem that is externally coupled between a source subsystem and a target subsystem.

The second passage — column 73, lines 15-35 — likewise does not disclose a repository subsystem for queuing a write statement between a source subsystem and a target subsystem. Although second passage describes message queuing, there is no indication that the message queuing that is described in Bowman-Amuah occurs in a repository subsystem that is external to each of the target subsystem and the source subsystem. The second passage references Figure 18. In Figure 18 of Bowman-Amuah, there is no indication that the queuing function is performed in a repository subsystem. Instead, the queuing function is shown as being performed at a logical queue that is depicted in the form of a cloud. A queue in the form of a logical cloud does not disclose or suggest repository subsystem that is external to each of the source subsystem and the target subsystem.

Unless each element of the claim is taught or disclosed, an obviousness rejection is improper. Here, because the combination of Bowman-Amuah and Freeman does not disclose or suggest a repository subsystem for queuing a write statement between a source subsystem and a target subsystem, the rejection of the pending claims should be withdrawn and these claims should be passed to issuance.

Conclusion

Applicants respectfully submit that pending claims 1, 2, 5-20, 23, and 26-31 of the present invention are allowable. Applicants respectfully request that the rejection of the pending claims be withdrawn and that these claims be passed to issuance.

Respectfully submitted,



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